

## **EPPING FOREST DISTRICT COUNCIL CABINET MINUTES**

**Committee:** Cabinet **Date:** 19 February 2007

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 7.35 pm

**Members Present:** C Whitbread (Vice-Chairman), A Green, Mrs A Grigg, J Knapman, S Metcalfe, Mrs M Sartin, D Stallan and Ms S Stavrou

**Other Councillors:** Councillors Mrs A Haigh, J Hart, Mrs P Smith, Mrs J H Whitehouse and J M Whitehouse

**Apologies:** Councillors Mrs D Collins

**Officers Present:** P Haywood (Joint Chief Executive), J Gilbert (Head of Environmental Services), J Preston (Head of Planning and Economic Development), T Tidey (Head of Human Resources and Performance Management), I Willett (Head of Research and Democratic Services), P Maddock (Assistant Head of Finance), P Sutton (Asst Head of Planning Services (Forward Planning & Environment)), H Stamp (Forward Planning Manager), Ian White (Senior Planning Officer), V Loftis (Market Research Consultation Officer), S Mitchell (PR & Internet Assistant) and G J Woodhall (Democratic Services Officer)

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### **141. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

### **142. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Cabinet.

### **143. WASTE MANAGEMENT CONTRACT AND SPECIFICATION**

The Customer Services, Media, Communications and ICT Portfolio Holder presented a report about the Waste Management Contract and Specification. The Portfolio Holder reported that the procurement process had now reached the stage whereby the waste management contract and specification needed to be agreed and drafted for transmission to the approved tenderers. Both Indecon Limited, the Council's waste management consultants, and the Essex Procurement Hub had been assisting the Council in this process. The Portfolio Holder felt that the draft specification before the Cabinet had struck a balance between achieving the Council's objectives and meeting the needs of the residents. In particular, the draft specification fulfilled all previous Council resolutions in respect of waste management, invited a degree of innovation from the tenderers in respect of the waste management service within the District, and had addressed issues that had previously been raised by Members. The draft specification had also been considered and agreed by the Portfolio Holder Advisory Group on waste management.

The Portfolio Holder stated that tenders would be sought for both an alternate weekly residual collection with a weekly collection during the period May to September, as well as an all-year-round weekly residual collection, with both options to retain the existing alternate weekly collection of recyclable materials. The present policy for the waste management contractor to be responsible for the management of the fleet of vehicles had been retained, however it was felt that alternative methods of fleet management should be explored, including the Council purchasing the vehicles. It was also proposed that the new contract continue to be based upon a partnership principle, with provision for the inclusion of a Partnership Charter and Innovation Forums. The current bank holiday collection arrangements would be retained, and the contractor would be required to operate from a depot provided by the Council within the District.

In respect of recycling, the Portfolio Holder informed the Cabinet that the contractor would also be required to collect the widest possible range of recyclable materials, with a collection methodology that used the fewest number of vehicles and passes. In addition, the contractor would be required to suggest proposals for the marketing of recyclable materials, and discuss options for income sharing with the Council where collection was on a source separated basis. Finally, the contractor would be expected to submit proposals for managing the various recycling banks situated throughout the District, including further options for income sharing with the Council.

The Portfolio Holder advised the Cabinet of the proposed principles to be implemented for an enhanced street cleansing service within the District, subject to an assessment of the potential increased costs by the Council's waste management consultants Indecon Limited. The most significant amendment was that high intensity zones would have an input-based specification, based upon the regular cleansing of the areas concerned, rather than the current output specification whereby the areas were only cleansed if required. Areas of importance to the 'evening economy' would be subject to a more stringent standard, high intensity plus, to reflect the special needs of such areas. All medium and low intensity zones would continue to operate upon an output-based specification. Provision had also been made for the possible inclusion of graffiti and fly poster removal within the street cleansing service. Local councils would also be given the opportunity to purchase additional street cleansing services from the contractor at the same unit cost as the District contract.

The Head of Environmental Services explained the rationale behind zoning for street cleansing, and stated that there was still an opportunity for particular streets to be considered for re-zoning; however, there would be an additional cost to the Council if too many streets were placed in a higher zone. There was the possibility that the principle regarding the response to failing standards for low intensity zones would be amended, if it was felt that there would be problems accessing rural areas within the necessary timescale; further advice would be sought from the Council's waste management consultants Indecon Limited. Following a query about the Furniture Recycling Scheme not being specifically mentioned in the draft specification, the Head of Environmental Services suggested that it could be included in the conditions for the collection of bulky waste for further discussions with the contractor.

**RESOLVED:**

- (1) That, in accordance with previous Cabinet decisions, the contract be tendered on the following basis:
  - (a) a price be sought for an alternate weekly residual collection but with a weekly collection for the period May to September;

- (b) a price be sought for an all year round weekly residual collection; and
- (c) both options to retain the existing alternate weekly collection of dry and wet recyclable materials;
- (2) That the Cabinet's present policy on the waste contractor being responsible for fleet management be reaffirmed, but the possibilities for alternative methods of fleet procurement, including the Council purchasing the vehicles, be explored;
- (3) That the principle of partnering be accepted and that the new contract contain provisions for a Partnership Charter and Innovation Forum(s);
- (4) That, as part of the specification, the contractor be required to collect the widest possible range of recyclable materials and that, as part of the collection methodology, the fewest number of vehicles and passes as is practical be used;
- (5) That, as part of the specification, the contractor be required to put forward proposals for the marketing of recyclable materials and, where collection be on a source separated basis, to discuss options of income sharing with the Council;
- (6) That, as part of the specification, the contractor be required to submit proposals for managing the various bring schemes (recycling banks), including options for income sharing with the Council;
- (7) That the existing Bank Holiday collection arrangements be retained within the specification and that proposals for change be dealt with through the partnership arrangements;
- (8) That the existing arrangements for the provision of depot accommodation to the contractor by the Council be retained;
- (9) That, subject to an assessment by the Council's consultants Indecon Limited of the potential increased costs of meeting this enhanced street cleansing standard, the following principles be included in the specification for street cleansing:
  - (a) all high intensity zones (currently zones 1 & 2) will have an input based specification which will require a high standard to be achieved throughout the day. The time allotted to return to Grade A will be reduced from half a day to 3 hours;
  - (b) the first 10 metres of any road adjoining a high intensity zone will be classified as high intensity and the same standard applied;
  - (c) areas which are subject to the 'evening economy' will be allocated a special EFDC zone with a more stringent standard (high intensity 'plus') reflecting difficulties with takeaway shops, pubs and clubs etc;
  - (d) all medium and low intensity roads (currently zones 3 and 4) will be dealt with on an output based basis, but the contractor will be advised what level of cleansing activity is anticipated in order for the relevant standards to be met. All complaints or reports of standards not being met in medium and low intensity zones will need to be responded to within 1 day;

- (e) litter picking alone will not be accepted as street cleansing (i.e. where there is a clearly defined kerbline);
  - (f) standards of street cleansing shall never be allowed to fall below the government requirements for BV199(a) and nor shall the standard in one year be allowed to fall below the year which preceded it;
  - (g) that the possible inclusion of graffiti and fly posting removal as part of the street cleansing service within the contract be enabled;
  - (h) the cleansing & maintenance of all litter bins will be the responsibility of the contractor (replacement and new bins will remain with the Council); and
  - (i) the contractor will provide street cleansing services to those local councils who request additional services at the same unit costs as being charged through the contract; and
- (10) That the collection of furniture for the Furniture Recycle Scheme be included within the conditions regarding the collection of bulky waste.

**Reasons for Decision:**

The key issues need to be considered prior to the formalisation of the waste management contract and specification documents. The proposed principles reflect known difficulties with the current contract and specification, and concerns previously raised either by members or via the public consultation exercise that had been recently undertaken.

**Other Options Considered and Rejected:**

No other options were considered.

**144. BEST VALUE PERFORMANCE PLAN 2007/08 - SUMMARY VERSION**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report concerning the summary version of the Best Value Performance Plan (BVPP) 2007/08 for distribution to all households within the District alongside the annual Council Tax demands. The Portfolio Holder reminded the Cabinet that a revised summary version of the BVPP 2007/08 had been tabled at the meeting, and proceeded to highlight the changes that had been made following further consultation with the Leader of the Council. The Portfolio Holder informed the Cabinet that the Local Government Act 1999 and the Best Value regime required the Council to produce an annual performance plan. The Council's BVPP was produced in two different versions each year: a detailed version for bodies involved in the evaluation of the Council's performance; and a summary version distributed to all households and businesses within the District with the Council Tax demands. In order to minimise costs, the summary version only listed the Council's performance against its main objectives for the current year and its targets for the following municipal year.

The Portfolio Holder added an additional target to the Economic Prosperity section concerning the continued growth and prosperity of Langston Road through the sale of Council assets that were surplus to requirements. In discussion, the Cabinet felt that a number of further amendments should be made, which the Portfolio Holder agreed to incorporate. These were: adding a reference to the affect of the imminent

anti-smoking legislation within the District; adding a reference to the outside panels that the Council was involved in; removing the reference to the implementation of parking reviews in Epping and Buckhurst Hill; adding a reference regarding a recent exhibition at the District Museum about the impact of the Italian community upon the District; and amending the reference to reviewing the current arrangements for Overview and Scrutiny to monitoring the current arrangements.

**RESOLVED:**

That the Council's revised Summary Best Value Performance Plan for 2007/08 be agreed, subject to the following amendments:

- (a) addition of a reference to the affect of the imminent anti-smoking legislation within the District on:
  - (i) premises licensed by the Council; and
  - (ii) properties leased by the Council;
- (b) addition of a reference to the outside panels that the Council is involved in;
- (c) removal of the reference to the implementation of the parking reviews in Buckhurst Hill and Epping;
- (d) addition of a reference to the recent exhibition at the District Museum regarding the contribution of the Italian community to the District;
- (e) amendment of the reference regarding a further review of Overview and Scrutiny to continual monitoring of the Overview and Scrutiny arrangements; and
- (f) addition of a reference to the Economic Prosperity section regarding the continued growth and prosperity of Langston Road through the sale of Council assets that were surplus to requirements.

**Reasons for Decision:**

To enable the publication of summary performance information within the Council Tax demands to be issued in March 2007, in accordance with the best practice advocated by the Audit Commission.

**Other Options Considered and Rejected:**

Further options were considered by the Cabinet and incorporated within the Summary BVPP. No other options were considered and rejected.

**145. REVIEW OF THE SEVERANCE POLICY - REDUNDANCY AND EARLY RETIREMENT**

The Finance, Performance Management and Corporate Support Services Portfolio Holder presented a report regarding a review of the Severance Policy for Redundancy and Early Retirement. The Cabinet were informed that the Department for Communities and Local Government (DCLG) had published the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 that provided for changes deemed necessary

to the Severance and Early Retirement Scheme following the introduction of Age Discrimination legislation on 1 October 2006, as in many cases payments based upon age and length of service were now precluded.

The Portfolio Holder stated that the regulations provided revised powers to make compensation payments to employees whose employment had been terminated early by reason of redundancy in the interests of the efficiency of the service, or where in the case of a joint appointment because one of the post holders had left. A one-off lump sum payment could be made to an employee, which was not to exceed 104 weeks pay, in cases of redundancy or early retirement, but local authorities were no longer permitted to award compensatory added years to an individual's accrued pension entitlements. The regulations came into force on 29 November 2006, but with retrospective effect from 1 October 2006.

The Portfolio Holder explained that, under the new regulations, the Council now had five options for redundancy and early retirement, and two options for retirement in the interests of efficiency. In cases of early retirement, with or without redundancy, the largest single cost to the Council was the charge made to compensate the pension fund for the early release of benefits. The removal of the discretion to award compensatory added years would produce an immediate reduction in ongoing costs, as well as a continuing reduction in the future as existing commitments were fulfilled. Of the five options for redundancy and early retirement, options (1) and (2) introduced a reduction in the levels of payment to staff in cases of redundancy at precisely the moment when it was possible that these might be required. Options (3), (4) and (5) were based upon discretionary payments in excess of the statutory limits using multipliers of the statutory entitlement. The recommended option (3) allowed for an award of up to 45 weeks pay at one-and-a-half times the statutory entitlement. and provided a balance between a fair level of compensation and the associated costs to the Council. Options (6) and (7) related only to retirement in the interests of the efficiency of the Council. It was recommended that option (7) be adopted in tandem with a discretionary payment based upon option (2), as this would allow the individual to receive a release of pension benefits as well as a lump sum of up to 30 weeks actual pay, based upon length of service.

The Portfolio Holder reported that it was proposed to implement the changes from 1 March 2007, with no transitional arrangements. In addition, it was also highlighted that recommendations (2) and (4) should read "paragraph 10" after Option (3) and Option (7), not "paragraph 7" as printed.

**RESOLVED:**

(1) That the changes to the framework for early retirement and redundancy compensation contained in the Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations 2006 be noted;

(2) That, in cases of redundancy, Option 3 (paragraph 10) be adopted as the basis for redundancy payments to be made to employees whose employment is terminated by reason of redundancy (whether the individual is eligible to receive payment of early retirement benefits or not);

(3) That, under the 2006 Regulations, compensatory added years may not be paid in any cases of early retirement (i.e. neither on grounds of redundancy nor efficiency of the service) be noted;

(4) That, in the interests of the efficiency of the service, Option 7 (paragraph 10) (in tandem with option 2) be adopted in cases of retirement as the basis for early retirement benefits to be paid to individuals;

(5) That the above changes be implemented with effect from 1 March 2007, without a transitional period between the old policy and these proposals; and

(6) That the ongoing wider review of the Local Government Pension Scheme be noted, and will be the subject of a further report when the proposals are confirmed.

#### **Reasons for Decision:**

The Council had experienced difficulties with its pension fund for a number of years in terms of the level of additional payments required to support commitments. The removal of added years in cases of early retirement would reduce the long-term strain on the pension fund. By choosing option (3) for cases of redundancy compensation, the proposal sought to maintain payments at a reasonably comparable level to existing arrangements. It was considered that this approach was fair and equitable to both employees and the Council, as well as Council Tax payers.

#### **Other Options Considered and Rejected:**

The Cabinet could choose another permitted option, which would be either more or less generous than the option proposed.

### **146. EAST OF ENGLAND PLAN - RESPONSE TO PROPOSED CHANGES**

The Planning and Economic Development Portfolio Holder presented a report on the Secretary of State's proposed changes to the East of England Plan. In the interests of clarity, the recommendations had been revised and were distributed to the Cabinet prior to the start of the meeting. The Portfolio Holder reported that the final formal consultation stage had been reached in respect of the East of England Plan for 2001 – 2021, due for adoption in mid-2007. The closing date for responses to the consultation was 9 March 2007. The Secretary of State's Proposed Changes and Statement of Reasons had been received in December 2006, and were a response from the Secretary of State for Communities and Local Government to the recommendations published in June 2006 by the Panel that had conducted the Examination in Public. The Council had already commented upon the Panel's recommendations in September 2006, which had been acknowledged by the Secretary of State.

The Portfolio Holder reported that the majority of the Panel's recommendations had been accepted, with some changes. In addition, the Secretary of State had proposed a number of changes, which included: a stronger emphasis on Harlow as a major growth location; a review of Green Belt boundaries during the period 2021 to 2031 as a result of the anticipated growth of Harlow; housing targets for individual authorities to be regarded as minimums, to be exceeded where possible; and a greater focus on reducing carbon dioxide emissions and increasing sources of renewable energy.

The Portfolio Holder advised the Cabinet that, following consideration of the Secretary of State's proposed changes to the East of England Plan, the Council's intended response would be based upon a number of factors. The omission of North Weald as a major development location had been welcomed, along with an acknowledgement that there were development constraints south of the Stort Valley.

The Council would support the recognition that Green Belt policy in the District would preclude a long-term supply of new housing, and the increased local discretion granted to policies such as housing densities, affordable housing and parking standards. The reduction of carbon emissions and promotion of renewable energy sources for new developments was to be welcomed, but there was an issue over vehicle emissions and the performance of existing developments. The Council supported the reinstatement of a major urban extension to the north of Harlow, but felt that a revised Sustainability Appraisal (SA) should be undertaken as the previous study had not fully considered the localised impacts of the proposed changes.

The Portfolio Holder stated that the response would repeat the arguments previously made opposing the urban extensions to the south and west of Harlow, as well as any excessive growth to the east of Harlow, on the grounds of insufficient infrastructure to support such developments. It was felt that there were better alternative sites along the West Anglia main railway line. Concern would be expressed that the proposed scale of development had not been matched by guaranteed funding for the necessary accompanying infrastructure improvements in the West Essex area, which in turn had raised doubts about the achievability of the proposed development in the area.

The Portfolio Holder added that serious reservations would be repeated concerning the proposed job and dwelling provision in the District, with the exception of the extensions to Harlow. Finally, the Council would make clear its continued willingness to work with other stakeholders to prepare options appraisals and Local Development Documents once the East of England Plan had been finalised. The Portfolio Holder commented that the Council's response would broadly agree with that of the East of England assembly, and felt that the Secretary of State's approach had not necessarily been beneficial for the future of the District.

The Portfolio Holder proposed the preparation of a more detailed response, incorporating the points illustrated above, by the Head of Planning and Economic Development, which would be ratified by both the Portfolio Holder and the Leader of the Council. It was intended that the response would be circulated to local Members of Parliament, the East of England Regional Assembly, local parish and town councils, campaign groups and other affected adjoining authorities. The Cabinet were informed that during the recent round of budget setting, the use of the currently engaged planning consultants had been considered a better approach than recruiting new permanent staff. However, it was felt that the Head of Planning and Economic Development should, at the earliest possible opportunity, submit a report regarding the likely future resource needs of the Forward Planning section for the Cabinet to consider.

**RESOLVED:**

(1) That the response to the Secretary of State for Communities and Local Government about the Proposed Changes to the East of England Plan be based on the following, that the Council:

(a) welcomes: the complete omission of North Weald as a major development location; the acknowledgement of development constraints south of the Stort Valley; the recognition that Green Belt policy in an area such as Epping Forest District precludes a continuing long term housing supply; and the greater local discretion afforded to such policy matters as housing densities, affordable housing tenures, and vehicle parking standards;



- (b) supports the greater focus on reducing carbon emissions and promoting renewable energy for new development, but point out that vehicular emissions and the performance of existing development are not addressed with equal force;
- (c) supports in principle the reintroduction of a major urban extension to the north of Harlow, whilst recognising that there are issues to be fully addressed, through a revised Sustainability Assessment, but underlines the need for the RSS Review to be the correct way of testing the case for an extension beyond 10,000 dwellings, in terms of both sub-regional impacts and alternative long term strategies;
- (d) repeats arguments previously made against “smaller scale” urban extensions to the south and west of Harlow and against excessive growth to the east; the issues of wastewater capacity and Harlow traffic constraints lend further support to these arguments and repeat the views about substitution of less constrained alternative sites elsewhere on the West Anglia Main Line;
- (e) expresses grave concern that the proposed greater scale and annualised minimum rate of housing development is in contrast with more uncertainty (or lack of specificity) about supportive infrastructure and funding commitments, especially in the west Essex/Harlow area;
- (f) objects to the omission of any constructive reference to infrastructure at Harlow (especially transport and wastewater) despite studies already carried out and findings of the government commissioned Sustainability Appraisal;
- (g) restates the serious doubt about the achievability of the proposed rate of development at Harlow in the light of infrastructure constraints; at least some conditionality should be expressed in policy;
- (h) draws attention to the potential inconsistency between assumed growth at Key Centres 2021-2031 for Green Belt boundary review purposes and the forthcoming RSS Review’s examination of alternative development strategies;
- (i) repeats again the serious reservations about the justification for the proposed job and dwelling provision in Epping Forest District (apart from Harlow extensions);
- (j) stresses the need for the Sustainability Appraisal of the Proposed Changes to be revised in order to address deficiencies identified by work commissioned by the East of England Regional Assembly, and for the Secretary of State to re-evaluate her conclusions and Proposals for Epping Forest, Harlow and infrastructure conditionality accordingly;
- (k) emphasises the concern that the focus of the Proposed Changes on a “high level” Plan, with little or no specificity about infrastructure and question marks over housing numbers by location and job growth, would leave many difficult issues to be resolved by Local Authorities and a subsequent possible delay; and
- (l) makes clear the Council’s willingness to continue to work jointly with other stakeholders to prepare options appraisals and Local Development Documents for Harlow, once the East of England Plan is finalised;

- (2) That the Head of Planning and Economic Development be authorised to prepare a detailed response, (including a version in bullet points letter format to also be signed by the Local Strategic Partnership) in conjunction with the Leader of Council and the Portfolio Holder for Planning & Economic Development ;
- (3) That the response be copied to local Members of Parliament, the East of England Regional Assembly, Local Councils and campaign groups, and affected adjoining authorities; and
- (4) The Head of Planning and Economic Development be requested to submit a report at the earliest opportunity with an indication of the likely resources needed for Forward Planning in the future, for the Cabinet to consider.

**Reasons for Decision:**

Making representations about matters of long-term significance to the District would provide the Council with an opportunity to influence the final decisions taken by the Secretary of State.

**Other Options Considered and Rejected:**

To make no representations or comments, however this would not allow the Council to influence the Secretary of State's final decision.

**147. CONTRACT STANDING ORDERS AND OFFICER DELEGATIONS REVIEW**

The Vice-Chairman of the Overview and Scrutiny Committee presented a report of the Constitutional Affairs Scrutiny Panel concerning Contract Standing Orders and Officer Delegation. The Audit Commission had recommended that local authorities should perform an annual review of their Contract Standing Orders, Officer Delegations and Financial Regulations. In order to comply with this advice, an Officer Working Party had been established with representatives from Internal Audit, Legal Services, Financial Services and Housing Services, which had reported to the Constitution and Member Services Scrutiny Panel. The Panel had considered the proposed changes and recommended accordingly to the Council scheduled for 20 February 2007. The Cabinet was being asked to consider these recommendations, and agree any further comments for the Leader of the Council to relay to the Council. The Cabinet were advised that the Officer Working Party had not yet completed its review of the Council's Financial Regulations, but that recommendations were anticipated for the April meeting of the Constitution and Member Services Scrutiny Panel.

The Vice-Chairman of the Overview and Scrutiny Committee highlighted the proposed changes to Contract Standing Orders C1(4) and C21 as being directly relevant to the Cabinet and Portfolio Holders. The proposed C1(4) would allow Portfolio Holders to waive Contract Standing Orders if recommended by the relevant Chief Officer after consultation with the Monitoring Officer and Chief Financial Officer, and provided that the financial consequences did not exceed £250,000 or constituted a variation in Council policy. The proposed C21 included that: either the Cabinet or Council must approve any tender in excess of £1million; tenders between £50,000 and £1million could be approved by the relevant Portfolio Holder provided that the tender sum was within budget and Contract Standing Orders had been complied with; and only the Council or Cabinet could accept a tender other than the lowest

following a recommendation by the Chief Officer to the Portfolio Holder concerned. In addition, C1(12) – compliance with Contract Standing Orders – had been amended to reflect the Council's membership of the Essex Procurement Hub.

**RESOLVED:**

(1) That the recommendations being submitted by the Constitution and Member Services Scrutiny Panel to the Council on 20 February 2007 be noted:

(a) that the revised Contract Standing Orders, as set out in Appendix 1 of the Panel's report to the Council, be approved and incorporated in the Council's Constitution;

(b) that the schedule of changes to Officer Delegations, as set out in Appendix 2 of the Panel's report to the Council, be adopted and incorporated in the Council's Constitution; and

(c) that, in accordance with recommended best practice of the Audit Commission, future annual reviews be carried out in respect of:

(i) Contract Standing Orders;

(ii) Financial Regulations; and

(iii) Officer Delegations;

(2) That the changes to the responsibilities of Portfolio Holders arising in Contract Standing Orders C1(4), C21 and C31 be noted; and

(3) That the Cabinet have no further comments to make to the Council be noted.

**Reasons for Decision:**

The current Contract Standing Orders and Officer delegations were in need of review, a process that the Audit Commission had recommended should be carried out annually.

**Other Options Considered and Rejected:**

There were no other options for consideration as the current Contract Standing Orders and Officer Delegations had to be updated.

**CHAIRMAN**